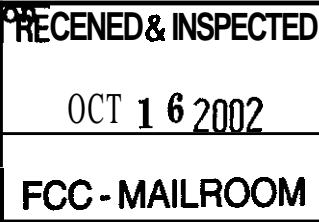




PUBLIC NOTICE

Federal Communications Commission
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October 7, 2002

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON SMALL BUSINESS SIZE STANDARD

CC Docket No. 94-102

Comments Due: November 6, 2002
Reply Comments Due: November 21, 2002

On July 26, 2002, the Commission adopted an Order staying certain wireless enhanced 911 (E911) Phase II deployment deadlines for Tier II and Tier III carriers, with conditions.¹ Pursuant to this Order, Tier II carriers were defined as non-nationwide carriers that had over 500,000 subscribers as of year-end 2001, and Tier III carriers were defined as all other non-nationwide carriers.² In the *E911 Small Carriers Order*, the Commission noted that it would solicit public comment on the proposed size standard for Tier III carriers, in accordance with Section 121.902(b) of the SBA's small business size regulations.³ We now seek comment on this matter for purposes of obtaining SBA approval of the Tier III size standard. This action will not affect the deadlines or conditions set forth in the *E911 Small Carriers Order*, including applicable reporting requirements.

In the *E911 Small Carriers Order*, the Commission defined Tier II, or mid-size carriers, as those non-nationwide carriers with over 500,000 subscribers as of year-end 2001. The Commission defined Tier III carriers as all other non-nationwide carriers. The Commission found this to be the appropriate level to distinguish between Tier II and Tier III carriers, noting that each of the Tier II carriers reported over \$85 million in annual revenues for 2001,⁴ and thus should have sufficient resources to pursue an E911 Phase II solution more quickly than the very smallest of carriers. The Commission reasoned that

¹ See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, Order to Stay (rel. July 26, 2002) (*E911 Small Carriers Order*).

² See *E911 Small Carriers Order* at para. 22-23.

³ See *id.* at para. 24.

⁴ According to statistics compiled by the Wireless Bureau using publicly available information, these carriers reported the following annual revenues for 2001: ALLTEL (\$3,832,000,000); US Cellular Corp. (\$1,894,830,000); Western Wireless (\$913,471,000); Leap Wireless (\$255,164,000); Qwest (\$660,000,000); Centennial Cellular (\$85,140,000); CenturyTel (\$437,965,000); Dobson Communications (\$655,659,000); Triton PCS (\$549,989,000); American Cellular (\$440,928,000); Rural Cellular (\$441,156,000); and Price Wireless (\$263,548,000).

these relatively larger carriers should also have a greater ability to obtain location technologies in a shorter period of time as compared with the smallest carriers. Additionally, we believe that a standard based on number of subscribers rather than the number of employees may more accurately reflect the size of the carrier's wireless network and as a result, the scope of work required to implement Phase II service.

Interested parties may file comments on or before November 6, 2002, and reply comments on or before November 21, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.'

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the filing to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic copy by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your email address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. A copy should also be sent to Jennifer Tomchin, 445 12th Street, S.W., Room 3-C400, Washington, D.C. 20554.

Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, Qualex International, Portals 11, 445 12th Street S.W., CY-B402, Washington, D.C. 20554 (telephone 202-863-2893; facsimile 202-863-2898) or via e-mail at qualexint@aol.com. In addition, one copy of each submission must be filed with the Chief, Policy Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Washington, D.C. 20554. Documents filed in this proceeding will be available for public inspection during regular business hours in the Commission's Reference Information Center, 445 12th Street, S.W., Washington, D.C. 20554, and will be placed on the Commission's Internet site.

For further information concerning this proceeding, contact Jennifer Tomchin, Policy Division, Wireless Telecommunications Bureau at (202) 418-1310, TTY (202) 418-1169.

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⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (1998).